THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL NO :1733 of 2005

Dated : 12.08.2005

Between:

1. The Regional Manager, Guntur Region,

Guntur District and another.

..... APPELLANTs

AND

G. Tirupathi Rao, S/o Subbarayudu

.....RESPONDENT

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THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

-

WRIT APPEAL NO :1733 of 2005

JUDGMENT: (per Honourable Smt. Justice T. Meena Kumari)

This writ appeal is filed by the A.P.S. R.T.C. aggrieved by the order passed by this Court in WP NO.10554 of 2005, dated 29.04.2005.

The respondent herein is the writ petitioner. He filed the writ petition seeking to declare the action of the 2nd appellant in issuing the proceedings dated 24.10.1997 as illegal and arbitrary and to set aside the same and direct the appellants to pay the consequential benefits. The learned single Judge having placed the reliance on the judgment reported in S.K.MASTHAN V. MANAGING DIRECTION, APS RTC (), modified the punishment imposed on the petitioner to that of deferment of two annual increments without cumulative effect. Aggrieved by the same, the present writ appeal is preferred by the A.P.S. R.T.C.

Heard the learned counsel

We have perused the material available on record and the order impugned in the writ petition.

Admittedly, no enquiry has been initiated before imposing the punishment by the authorities. If that being the case, imposing of punishment of deferment of annual increments for a period of two years with cumulative effect is a major penalty as rightly observed by this Court and therefore, the learned single Judge is justified in modifying the punishment imposed on the petitioner to that of deferment of two annual increments without cumulative effect. We see no merits to entertain this appeal and the same is liable to be dismissed.

Accordingly, the Writ Appeal is dismissed. No order as to costs.

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Justice T.Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 12th August, 2005.

Nn/Gurc.